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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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Application No. 08/012,345 Filing Date 01/01/98 Inventor John Doe Attorney Docket No. 12345

Examiner: [Name]
Art Unit: [Number]
Paper Number: [Number]

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/004,903

Applicant(s)

Burris

Examiner

Morrison

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/20/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-73 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-57, 59-63, 70-73 is/are rejected.
- ☒ Claim(s) 58, 64-69 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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1. The disclosure is objected to because of the following informalities: throughout the specification, "I prefer" should be rewritten as "It is preferred".

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 35, the phrase "vent pumping system" is considered vague and indefinite because it is unclear what the "system" comprises. It appears that claim 1 should recite a pump arranged downstream of the vent space which creates a subatmospheric pressure in the vent space, as recited in claim 2, and that claim 35 must that the vent pumping system includes a pump arranged downstream of a vent space, in addition to the present limitations. In claim 11, the phrase "responsive to an extent of operation", and in claim 41, the phrase "responsive to a measure of purifier operation" are considered vague and indefinite because it is unclear how these phrases limit the claims. In claim 20, the phrase "pumping means for the ozone-containing gas" is considered indefinite because it is unclear whether the pumping means is that which pumps the ozone-containing gas to the reservoir, or that which pumps the ozone-containing gas from the vent space in the reservoir.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 57, 60, 70, 72 and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Contreras (abstract; column 2, lines 8-11, 18-20, 49-52; column 3, lines 11-12; column 4, lines 11-15). Contreras discloses a water ozonating system that can be operated by batch process. The system is operated by injecting ozone into a tank of water, removing excess ozone through a tube located near the bottom of a removable lid, and dispensing purified water. The liquid is blocked from flowing out with the ozone off-gas in the tube because a float valve shuts off the flow of incoming water, and thus the water will not reach the level of the tube. The water is circulated from and to the tank during ozonation, and the circulating liquid is contacted with the ozone via a venturi, which flows the ozone to the tank. Water can be dispensed from the tank via the circulation piping. Since the system of Contreras is operated by allowing water to enter the tank, it is inherent that liquid does not enter the tank unless the system is being operated.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 59, 61-63 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contreras, as applied to claim 57 above, and further in view of Kohlmann et al. (column 1, line 57-column 2, line 21; column 3, lines 19-34; column 5, lines 9-54).

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The claims differ from Contreras by reciting a movable dispensing spout and a switch blocking system (claim 59), a step of dispensing liquid via moving a spout which extends from the housing (claim 61), closing the dispensing outlet except when liquid is to be dispensed (claim 62), filtering the liquid (claim 71) and indicating the need to change the filter (claim 63).

Kohlmann et al. disclose a purified water dispensing method comprising dispensing water which has been purified by filters via a moveable spout. The spout is able to extend from the housing at various adjustable heights, and the water is dispensed as controlled by a switch. The advantage of the dispenser of Kohlmann et al. is that injury to a user (such as getting a finger caught) is prevented.

Therefore, it would have been obvious to one of ordinary skill in the art to have included in the system of Contreras a movable spout for dispensing the water from the tank, and a control switch for controlling the dispensing of the water, in view of Kohlmann et al., because such a dispensing system prevents injury. It is submitted that filters and controls for indicating the need to change a filter are well-known in the art of water purification, and it would have been obvious to one of ordinary skill in the art to have included an indicator for the filters of Kohlmann et al., in order for a user to know when the filter should be changed, absent a sufficient showing of unexpected results.

8. Claims 58 and 64-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claims 1-56 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office.

10. The following is a statement of reasons for the indication of allowable subject matter:

If in claims 1 and 35, the "vent pumping system" of claim 1 is defined as including a pump arranged downstream of the vent space which creates a subatmospheric pressure in the vent space, then claims 1-56 are allowable because the prior art of record fails to teach, disclose, or fairly suggest an improvement to a batch liquid purifier comprising a pump arranged downstream of a vent space in a liquid reservoir which creates a subatmospheric pressure in the space to exhaust air and ozone-containing gases from the vent space. The system of Gastman et al. comprises a liquid purifier which diffuses ozone-containing gases into a vessel of liquid, and collects the off-gases from a space above the liquid in the vessel, but Gastman et al. do not include a pump for the off-gases, nor would it have been obvious to one of ordinary skill in the art to have arranged a pump for the off-gases which creates a subatmospheric pressure in the vent space. It appears that the off-gases in vent space of the system of Gastman et al. is at or above atmospheric pressure, and therefore a pumping system would not be required to remove the gases from the vessel. In other prior art liquid purification system which use oxidizing gases to treat water, the pressure is maintained above atmospheric pressure in order to aid in dissolving the gases in the water. Such systems would not require a pumping system to remove undissolved gases from a space above the water in a vessel or reservoir.

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Claims 58 and 64-69 would be allowable if rewritten in independent form including all of the limitations of the base claims because the prior art of record fails to teach, disclose, or fairly suggest a method of purifying a batch of liquid by contacting the liquid with ozone-containing gas, withdrawing ozone-containing gas from a vent space above the liquid in the reservoir, and closing the vent space with an openable lid, in combination with illuminating bubbles rising in the liquid, or indicating a need to change a filter for the dispensed liquid, or admitting air into the vent space, or maintaining a subatmospheric pressure in the vent space, or withdrawing gas from the vent space after completion of pumping ozone-containing gas into the reservoir.


11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Morrison whose telephone number is (703) 305-3934. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6:00 PM, and on alternate Fridays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jay Woo, can be reached on (703) 308-3793. The fax phone number for official after final faxes for this Group is (703)305-3599, for all other official faxes the number is (703)305-7718, and for unofficial faxes the number is (703) 305-3602.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Bgm
B. Morrison
February 1, 1999


Jay Woo
Primary Examiner
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2-1-99